



PATENT
00961-P0209C SPM/HML

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicants | Nicholas V. Perricone, <i>et al.</i> |
| Application No. 10/749,914 | Filing Date: December 31, 2003 |
| Title of Application: | Stable Topical Drug Delivery Compositions |
| Confirmation No. 1385 | Art Unit: 1616 |
| Examiner | Ernst V. Arnold |

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

**Terminal Disclaimer To
Obviate A Double Patenting Rejection (37 CFR 1.321(b))**

Dear Sir:

The undersigned, Stephen P. McNamara, declares that:

1. I am the attorney of record in the subject patent application.
2. Applicant, Nicholas V. Perricone, who resides at ; 639 Research Parkway; Meriden, 06450. Nicholas V. Perricone is the owner of 100% of the rights, title and interest in and to Patent Application Serial No. 10/749,914 filed December 31, 2003 for "Stable Topical Drug Delivery Compositions" and, to the best knowledge and belief of the undersigned, is believed to be the owner of record of U.S. Patent Application Serial No. 10/750,390 filed December 31, 2003 for "Methods for Formulating Stabilized Insulin Compositions."
3. Applicant hereby disclaims the terminal part of the term of any patent granted on Application Serial No. 10/749,914 which would extend beyond the expiration date of the full statutory term of any patent granted on U.S. Patent Application Serial No. 10/750,390 filed December 31, 2003.
4. Applicant hereby agrees that any patent granted on Application Serial No. 10/749,914 shall be enforceable only for and during such period that the legal title to Patent Application Serial No. 10/750,390 shall be the same as the legal title to all patents issuing on said Application Serial No. 10/749,914, this Agreement to run with any

patent granted on said Application Serial No. 10/749,914 and to be binding upon Applicant, his heirs, successors, and assigns.

5. Applicant does not disclaim any terminal part of any patent granted on said Application Serial No. 10/749,914 prior to the expiration date of the full statutory term of U.S. Patent Application Serial No. 10/750,390 in the event that U.S. Patent Application Serial No. 10/750,390 either expires for failure to pay a maintenance fee, or is held unenforceable, or is found invalid, or is statutorily disclaimed in whole or hereafter terminally disclaimed under 37 CFR § 321(a), or has all claims cancelled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

6. Enclosed is a credit card payment form PTO-2038 in the sum of \$65.00. If there is any fee deficiency, please charge Account No. 19-4516.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

January 9, 2006



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